

Serial No. 10/085,601

IN THE CLAIMS

Please amend claims 19, 20, 21, 30, and 33

Please cancel claim 25.

Please add claim 36.

*Claims 1 to 18 are Cancel*STATUS OF THE CLAIMS

19. (currently amended) A method of producing customized packaging which houses at least one contact lens, wherein said packaging is customized by the individual doctor prescribing and/or the patient receiving said at least one contact lens comprising the steps of:

receiving an order for at least one contact lens from said doctor or a refill order from said patient; and

printing out customized graphics specified by said doctor or said patient for said package for at least one contact lens.

Deleted: The

Deleted: prescription product

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20. (currently amended) The method of claim 19 wherein said printing step entails printing said customized graphics on primary packaging for said contact lens.

Deleted: prescription product

21. (currently amended) The method of claim 19 wherein said printing step entails printing said customized graphics on secondary packaging for said contact lens.

Deleted: prescription product

22. (original) The method of claim 19 wherein said printing step entails printing said customized graphics onto a label.

23. (original) The method of claim 22 further comprising the step of varnishing the label.

24. (original) The method of claim 22 wherein after said printing step the method further comprises the step of adhering said label onto said packaging.

25. (canceled) */*

26. (original) The method of claim 22 wherein said label has a label identification means.

27. (original) The method of claim 26 wherein said packaging has a product machine readable code, and said method further comprises the step of checking said label identification means and said product machine readable code before said adhering step.

28. (currently amended) The method of claim 27 wherein said method further comprises the step of picking said contact lens in customary packaging from inventory and diverting it to a customized graphics printing system prior to said checking step.

Deleted: prescription product

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29. (original) The method of claim 19 wherein said printing step is performed by a customized graphics printing system.

30. (currently amended) A customized graphics printing system for adding customized graphics to packaging for a contact lens comprising:

a computer for receiving order information for a contact lens and for the customized graphics to be printed on the packaging for said contact lens; and
a printer for printing out said customized graphics for said packaging for said contact lens.

Deleted: prescription product

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Deleted: prescription product

31. (original) The system of claim 30 further comprising a varnishing application apparatus for applying varnish to said packaging.

32. (original) The system of claim 30 wherein said customized graphics is printed on a label, and each label has a unique identification means.

33. (currently amended) The system of claim 32 wherein each of said labels is for a particular ordered contact lens, and said system matches up said contact lens with said label.

Deleted: prescription product

Deleted: prescription product

34. (original) The system of claim 30, further comprising a quality check station.

35. (original) The system of claim 33, further comprising a label applicator.

36. (newly presented) A method of producing customized packaging which houses at least one contact lens, wherein said packaging is customized by the individual doctor prescribing and the patient receiving said at least one contact lens comprising the steps of:

receiving an order for at least one contact lens from said doctor or a refill order from said patient; and

printing out customized graphics specified by said doctor or said patient for said package for at least one contact lens.

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Claims 19-36 are currently pending in this application. Claims 19, 20, 21, 30, and 33 are amended herewith. Claim 36 was added. No new matter was added to the amended claims, support for amendments may be found in the cancelled claims.

In the Office Action

[c]laims 23 and 31 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There was no antecedent basis for varnish in the specification for varnishing the label.

Applicants traverse this rejection for the following reason. The step of varnishing is described on page 14, lines 19-42. Applicants respectfully submit that the rejection under 35 U.S.C. § 112, first paragraph has been overcome and should be withdrawn.

In the Office Action:

[c]laims 19-29 are rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has conjoined elements using "and/or" (claim 19 L 2) creating vague and indefinite language as to the scope of the claim protection sought-alternate embodiments or devices capable of reconfiguration for single as well as plural openings. Appropriate correction is required. The claims have been otherwise examined on the merits presuming Boolean "OR."

(Re: c1 19) Applicant has conjoined elements with "OR" leaving in questions which elements are nested together as subgroups.

Upon entry of the foregoing amendment, the rejection under 35 U.S.C. § 112, second paragraph has been overcome and should be withdrawn.

In the Office Action

Claims 19, 21, 22, 24, 26-30, 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Hebron et al. which discloses:

(Re: c1 19) The method of producing customized packaging which houses at least one prescription product, wherein said packaging is customized by the individual doctor prescribing and/or said patient receiving said at least one prescription product comprising the steps of: receiving an order for at least one prescription product from said doctor or a refill order from said patient; and printing out customized

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graphics specified by said doctor or said patient for said package for at least one prescription product (c2 L 1-33)

(Re: cl 21) printing step entails printing said customized graphics on secondary packaging for said prescription product (c5 L 52-c6 L 3)

(Re: cl 22,29,32) printing step entails printing said customized graphics onto a label (c5 L 52-c6 L 3)

(Re: cl 24) wherein after said printing step the method further comprises the step of adhering said label onto said packaging (c5 L 52-67)

(Re: c1 26) wherein said label has a label identification means (c 15 L 5-24)

(Re 27) wherein said packaging has a product machine readable code, and said method further comprises the step of checking said label identification means and said product machine readable code before said adhering step (c9 L 10-19)

(Re: cl 28) wherein said method further comprises the step of picking said prescription product in customary packaging from inventory and diverting it to a customized graphics printing system prior to said checking step (c5 L 52-c6 L 3)

(Re: cl 29,32) wherein said printing step is performed by a customized graphics printing system (c5 L 52-c6 L 3)

(Re: cl 30) A customized graphics printing system for adding customized graphics to packaging for a prescription product comprising: a computer for receiving order information for a prescription product and for the customized graphics to be printed on the packaging for said prescription product; and a printer for printing) out said customized graphics for said packaging for said prescription product (c2 L 1-33)

(Re: cl 32) wherein said customized graphics is printed on a label, and each label has a unique identification means (c9 L 10-19)

(Re: cl 33) wherein each of said labels is for a particular ordered prescription product, and said system matches up said prescription product with said label (c 15 L 5-24)

(Re: c1 34) further comprising a quality check station (c9 L 10-19)

(Re: c1 35) further comprising a label applicator (c5 L 52-67).

Applicants traverse this rejection for the following reason.

As amended claims 19, 21, 22, 24, 26-30, and 32-35 claim methods of producing packaging for contact lenses. Hebron does not teach the packaging of contact lenses. Therefore, Applicants respectfully submit that the rejection of claims 19, 21, 22, 24, 26-30, and 32-35 under 35 U.S.C. 102(e) in view of Hebron has been overcome and should be withdrawn.

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[c]laims 19, 21, 22, 26-30, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Charhut et al. '829 (per original issue patent 5208762) which discloses:

(Re: cl 19) The method of producing customized packaging which houses at least one prescription product, wherein said packaging is customized by the individual doctor prescribing and/or said patient receiving said at least one prescription product comprising the steps of: receiving an order for at least one prescription product from said doctor or a refill order from said patient; and printing out customized graphics specified by said doctor or said patient for said package for at least one prescription product (c3 L 6-41)

(Re: cl 21) printing step entails printing said customized graphics on secondary packaging for said prescription product (c4 L 1-24)

(Re: cl 22,29,32) printing step entails printing said customized graphics onto a label (c4 L 1-9)

(Re: cl 26) wherein said label has a label identification means (c 15 L 5-24)

(Re: 27) wherein said packaging has a product machine readable code, and said method further comprises the step of checking said label identification means and said product machine readable code before said adhering step (c4 L 10-24; H(c9 L 10-19)

(Re: cl 28) wherein said method further comprises the step of picking said prescription product in customary packaging from inventory and diverting it to a customized graphics printing system prior to said checking step (c4 L 34-c5 L 25) (Re: cl 29,32) wherein said printing step is performed by a customized graphics printing system (c4 L 1-9)

(Re: cl 30) A customized graphics printing system for adding customized graphics to packaging for a prescription product comprising: a computer for receiving order information for a prescription product and for the customized graphics to be printed on the packaging for said prescription product; and a printer for printing) out said customized graphics for said packaging for said prescription product (c3 L 6-41).

(Re: cl 32) wherein said customized graphics is printed on a label, and each label has a unique identification means (c4 L 10-24)

Applicants traverse this rejection for the following reason.

As amended claims 19, 21, 22, 26-30, and 32 claim methods of producing packaging for contact lenses. Charhut does not teach the packaging of contact lenses. Therefore, Applicants respectfully submit that the rejection of claims 19, 21, 22, 26-30, and 32 under 35 U.S.C. 102(b) in view of Charhut has been overcome and should be withdrawn.

In the Office Action

Claims 19, 20, 25, 29, 30, and 32, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al. '957 which discloses:

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(Re: c1 19) The method of producing customized packaging which houses at least one prescription product, wherein said packaging is customized by the individual doctor prescribing and/or said patient receiving said at least one prescription product comprising the steps of: receiving an order for at least one prescription product from said doctor or a refill order from said patient; and printing out customized graphics specified by said doctor or said patient for said package for at least one prescription product. (abstract)

(Re: cl 20) printing step entails printing said customized graphics on primary packaging for said prescription product (abstract)

(Re: c1 25) wherein the prescription product is a contact lens (abstract)

(Re: cl 29,32) wherein said printing step is performed by a customized graphics printing system (abstract)

(Re: cl 30) A customized graphics printing system for adding customized graphics to packaging for a prescription product comprising: a computer for receiving order information for a prescription product and for the customized graphics to be printed on the packaging for said prescription product; and a printer for printing out said customized graphics for said packaging for said prescription product.

(Re: cl 32) wherein said customized graphics is printed on a label, and each label has a unique identification means.

(Re: cl 33) wherein each of said labels is for a particular ordered prescription product, and said system matches up said prescription product with said label (abstract).

Applicant traverse this rejection for the following reasons.

EP 0 734 957 A1 discloses contact lens packages containing a printed lidstock.

However, there is no suggestion in the document that customized graphics should be added to these packages. Further, even though there is language that refers to customization, that language only refers to the content of the orders and not to the markings on the packaging. See, EP 0 734 957 B1, col. 8, lines 39-41; col. 5, lines 40-43; cols. 8-9 lines 57-7. Applicants respectfully submit that the rejection of claims 19, 20, 29, 32, and 33 in view of EP 734 957 has been overcome and should be withdrawn.

In the Office Action

[c]laims 19, 21, 22, 29, 30, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Baum which discloses:

(Re: c1 19) The method of producing customized packaging which houses at least one prescription product, wherein said packaging is customized by the individual doctor prescribing and/or said patient receiving said at least one prescription product comprising the steps of: receiving an order for at least one prescription product from said doctor or a refill order from said patient; and printing out customized graphics specified by said doctor or

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said patient for said package for at least one prescription product
(abstract)

(Re: cl 21) printing step entails printing said customized graphics on
secondary packaging for said prescription product. (c3 L 19-33)

(Re: cl 22,29,32) printing step entails printing said customized graphics
onto a label (abstract)

(Re: cl 29,32) wherein said printing step is performed by a customized
graphics printing system c3 L 19-33)

(Re: cl 30) A customized graphics printing system for adding customized
graphics to packaging for a prescription product comprising: a computer
for receiving order information for a prescription product and for the
customized graphics to be printed on the packaging for said prescription
product; and a printer for printing out said customized graphics for said
packaging for said prescription product (abstract)

(Re: cl 32) wherein said customized graphics is printed on a label, and
each label has a unique identification means (fig 3).

Applicants traverse this rejection for the following reasons.

As amended claims 19, 21, 22, 29, 30, and 32 claim methods of producing
packaging for contact lenses. Baum does not teach the packaging of contact lenses.
Therefore, Applicants respectfully submit that the rejection of claims 19, 21, 22, 29, 30,
and 32 under 35 U.S.C. 102(b) in view of Baum has been overcome and should be
withdrawn.

In the Office Action

[c]laims 19, 33, 34 are rejected under 35 U.S.C. 102(b) as being
anticipated by Charhut et al. which discloses:

(Re: cl 19) The method of producing customized packaging which houses
at least one prescription product, wherein said packaging is customized by
the individual doctor prescribing and/or said patient receiving said at least
one prescription product comprising the steps of: receiving an order for at
least one prescription product from said doctor or a refill order from said
patient; and printing out customized graphics specified by said doctor or
said patient for said package for at least one prescription product.

(Re: cl 20) printing step entails printing said customized graphics on
primary packaging for said prescription product.

(Re: cl 21) printing step entails printing said customized graphics on
secondary packaging for said prescription product.

(Re: cl 22,29,32) printing step entails printing said customized graphics
onto a label.

(Re: cl 23, 31) further comprising the step of varnishing the label.

(Re: cl 24) wherein after said printing step the method further comprises
the step of adhering said label onto said packaging.

(Re: cl 25) wherein the prescription product is a contact lens.

(Re: cl 26) wherein said label has a label identification means.

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(Re: 27) wherein said packaging has a product machine readable code, and said method further comprises the step of checking said label identification means and said product machine readable code before said adhering step.

(Re: cl 28) wherein said method further comprises the step of picking said prescription product in customary packaging from inventory and diverting it to a customized graphics printing system prior to said checking step.

(Re: cl 29,32) wherein said printing step is performed by a customized graphics printing system.

(Re: cl 30) A customized graphics printing system for adding customized graphics to packaging for a prescription product comprising: a computer for receiving order information for a prescription product and for the customized graphics to be printed on the packaging for said prescription product; and a printer for printing out said customized graphics for said packaging for said prescription product.

(Re: cl 31) further comprising a varnishing application apparatus for applying varnish to said packaging.

(Re: cl 32) wherein said customized graphics is printed on a label, and each label has a unique identification means.

(Re: cl 33) wherein each of said labels is for a particular ordered prescription product, and said system matches up said prescription product with said label. (Re: cl 34) further comprising a quality check station.

(Re: c135) further comprising a label applicator.

Applicants traverse this rejection for the following reason.

As amended claims 19, 33 and 34 claim methods of producing packaging for contact lenses. Charhut does not teach the packaging of contact lenses. Therefore, Applicants respectfully submit that the rejection of claims 19, 33, and 34 under 35 U.S.C. 102(b) in view of Charhut has been overcome and should be withdrawn.

In the Office Action

[c]laims 19, 21, 22, and 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hebron et al. in view of Marino, Jr. et al. wherein Hebron et al. discloses the elements previously discussed and Marino, Jr. et al. discloses and elements not explicitly taught by Hebron et al.

including:

(Re: cl 23,31) apparatus and method for applying varnish to the label (c3 L 13- 19).

It would have been obvious at the time of the invention for Hebron et al. to use a varnish applicator to varnish the labels to stabilize the coatings and printing as taught by Marino, Jr. et al. al. and come up with the instant invention.

Applicants traverse this rejection for the following reasons.

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As discussed above, Hebron does not teach or suggest packaging for contact lenses. Further Marino does not teach or suggest varnishing labels for contact lens packaging. Therefore the combination of Hebron and Marino would not suggest a method for packaging contact lenses to one of ordinary skill in the art. Applicants respectfully submit that the rejection of claims 19, 21, 22, and 24-35 under 35 U.S.C. 103 (a) has been overcome and should be withdrawn.

In the Office Action

Claims 19, 20, 23, 25 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. '957 in view of Marino, Jr. et al. wherein Martin et al. '957 discloses the elements previously discussed and Marino, Jr. et al. discloses and elements not explicitly taught by Martin et al. '957 including:
(Re: cl 1) apparatus and method for applying varnish to the label (c3 L 13-19).

It would have been obvious at the time of the invention for Martin et al. '957 to use a varnish applicator to varnish the labels to stabilize the coatings and printing as taught by Marino, Jr. et al. al. and come up with the instant invention.

Applicants traverse this rejection for the following reasons.

As discussed above, Martin discloses customized contact lenses and not customized packing for contact lenses. Marino does not disclose labels for contact lens packages. Therefore, the combination of Martin and Marino would not suggest a method for packaging contact lenses to one of ordinary skill in the art. Applicants respectfully submit that the rejection of claims 19, 20, 23, and 29-33 under 35 U.S.C. 103 (a) has been overcome and should be withdrawn.

In the Office Action

[c]laims 19, 21, 22, 25, 29, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum in view of Marino, Jr. et al. wherein Baum discloses the elements previously discussed and Marino, Jr. et al. discloses and elements not explicitly taught by Baum including:
(Re: cl 1) apparatus and method for applying varnish to the label (c3 L 13-19).

It would have been obvious at the time of the invention for Baum to use a varnish applicator to varnish the labels to stabilize the coatings and printing as taught by Marino, Jr. et al. al. and come up with the instant invention.

Applicants traverse this rejection for the following reasons.

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As discussed above neither Baum nor Marino suggest methods of packaging contact lenses. Therefore, the combination of Baum and Marino would not suggest a method for packaging contact lenses to one of ordinary skill in the art. Applicants respectfully submit that the rejection of claims 19, 21, 22 25, 29, and 30-32 under 35 U.S.C. 103 (a) has been overcome and should be withdrawn.

In light of the foregoing reasoning, Applicants respectfully submit that all rejections were overcome and the pending claims may be allowed. A Notice of Allowance is respectfully solicited.

Respectfully submitted.

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